



SMART SENTENCING

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DRUG TREATMENT CAN REDUCE RECIDIVISM

During the last two decades, one constant in Missouri sentencing practice has been the continuing increase in the number of persons sentenced for drug offenses. Since 1985, the number of offenders convicted of drug offenses (possession, distribution and trafficking) has increased by nearly 650 percent, while non-drug sentencing has increased by nearly 230 percent.

Although the number of offenders sentenced to the Missouri Department of

Corrections for drug offense convictions has declined in the last three years, the number of offenders with drug convictions still accounts for a significant percentage of offenders. Drug possession is the most common offense for

persons on supervised probation or parole and the second most common offense for persons currently in prison. Of these, probation sentences mostly are for possession, while prison sentences mostly are for distribution.

New Felony Sentences

	1985	2008	Rate of Increase
Drug Sentences	1,409	9,134	6.5
Non Drug	8,058	18,297	2.3
All Sentences	9,467	27,431	2.9

NOTE:

The Sentencing Advisory Commission has launched this periodic bulletin to keep judicial decision-makers current as to the latest information related to sentencing practices and their impacts.

The purpose of this bulletin is to highlight trends in sentencing patterns among violent and nonviolent offenders.

The bulletin is being distributed to judges, prosecutors, public defenders, probation officers and the public via email and on the SAC Website:

www.mosac.mo.gov

Comments and suggestions are welcome and should be sent to:
smart.sentencing@courts.mo.gov

Substance abuse is linked to increased recidivism rates

Since 2002, the department has screened offenders with new sentences using an assessment known as the Substance Abuse Classification Assessment (SACA). The scoring range is from one, indicating no abuse, to five, indicating chronic abuse. A score of three or more indicates a substance

abuse problem that requires treatment.

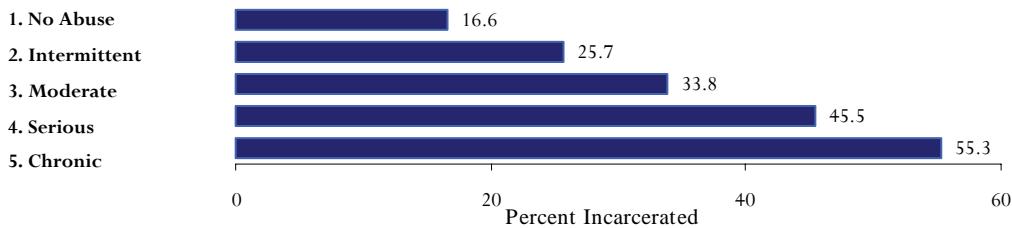
An analysis of offenders sentenced to probation or released from prison from 2002 to 2005 shows that:

- *Of offenders who scored no abuse, 16.6 percent were incarcerated after three years.*
- *Of offenders who scored chronic abuse, 55.3 were incarcerated after three years.*

Data show that one reason for the high correlation between substance abuse and incarceration is that avoiding drugs and alcohol is a condition of supervision, and many offenders who continue to abuse such substances have their probation or parole revoked for a technical violation of a condition of supervision.

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criminal sentencing

Offenders Three Years After Start of Probation or Parole, 2002 to 2005



COMMUNITY DRUG TREATMENT LOWERS RECIDIVISM RATES

The department also analyzed offenders with substance abuse problems who were placed on probation from 2002 to 2005 to compare those who enrolled in a drug court or a community drug program run by the department with those who did not. The analysis includes all offenders enrolled in treatment, regardless of their success in the program, and includes outcomes based on the department's records of drug court and department treatment programs. It does not include outcomes based

on treatment provided by the Department of Mental Health because data regarding such treatment were not available.

The department's analysis shows a reduction of 11 percentage points in the incarceration rate three years after an offender is placed on probation:

- Of offenders enrolled in a drug court or a community drug program run by the department, 27 percent were incarcerated after three years.*

Of offenders who did not receive community drug treatment, 38

percent were incarcerated after three years.

The department's analysis also shows a reduction of three percentage points in the rate of new convictions three years after an offender is placed on probation:

- Of offenders enrolled in a drug court or a community drug program run by the department, 16 percent had received new convictions after three years.*

Of offenders who did not receive community drug treatment, 19 percent had received new convictions after three years.

Two other important findings from the community treatment recidivism study are:

- Offenders with extensive prior criminal history benefit more than offenders with no prior criminal history (a reduction in incarceration of 15 percentage points compared with 8 percentage points).*
- Offenders with serious substance abuse benefit more than offenders with moderate substance abuse (a reduction in incarceration of 16 percentage points compared with 9 percentage points).*

Offenders Enrolled While Under Supervision in Drug Court or Department Community Substance Abuse Program Recidivism After Three Years from Start of Probation, 2002—2005

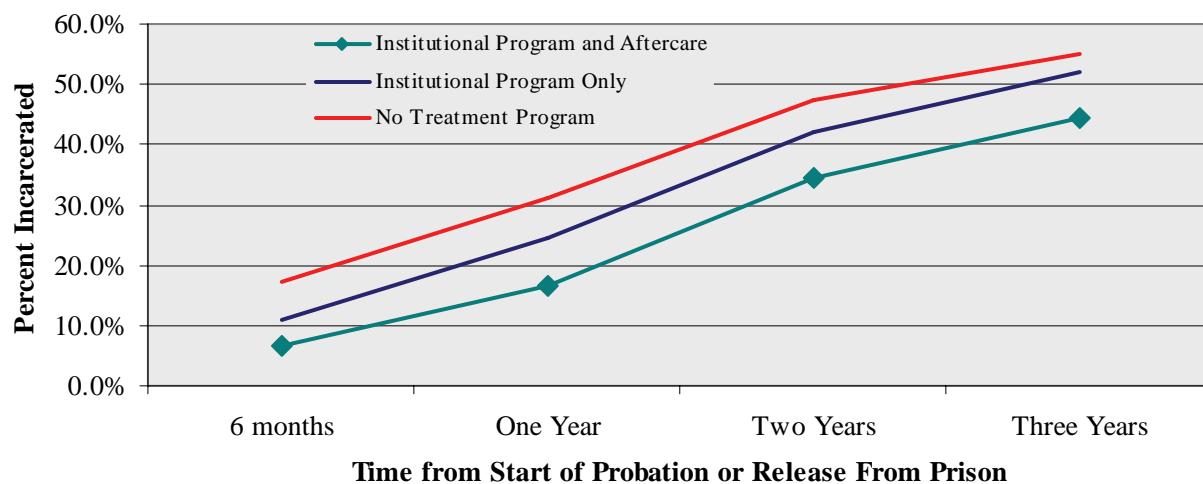
	Enrolled in Treatment Program	(A) Percent Incarcerated	Not Enrolled in Treatment Program	(B) Percent Incarcerated	Reduction in Incarceration (A minus B)
<i>Prior Criminal History</i>					
No Prior Felonies	5,302	24%	18,193	32%	8%
One to Two Prior Felonies	969	32%	7,034	39%	8%
One Prior Incarceration	559	39%	4,433	48%	9%
Two Prior Incarcerations	210	46%	1,839	56%	10%
Three or More Incarcerations	82	44%	854	58%	15%
<i>Level of Substance Abuse</i>					
Moderate	3,846	23%	18,922	32%	9%
Serious	3,001	30%	11,986	46%	16%
Chronic	275	47%	1,445	55%	7%
Total	7,122	27%	32,353	38%	11%

INSTITUTIONAL DRUG TREATMENT NEEDS FOLLOW-UP

To maximize the benefit of institutional drug treatment, relapse prevention or aftercare must be provided after an offender is released from prison. Measuring recidivism over time indicates that the gain from treatment that is evident at six months and 12 months after

release almost has disappeared after three years in the absence of aftercare. If aftercare is provided, the recidivism rate is about 10 percent age points lower after three years than if no aftercare is provided.

Offenders with Substance Abuse Sentenced to Prison or to a 120-Day or Long Term Drug Treatment Incarceration After Three Years from Release, 2002– 2008



Difference in Incarceration Percentages between Treatment and no Treatment

No Aftercare	6.3%	6.4%	5.3%	2.9%
With Aftercare	10.6%	14.5%	12.9%	10.5%

THE BOTTOM LINE: DRUG TREATMENT WORKS

- Community drug treatment reduces recidivism for offenders with substance abuse problems. Offenders enrolled in community drug treatment programs committed fewer new offenses.
- Community drug treatment is suitable even for offenders with prior incarcerations or with serious substance abuse problems.
- Many nonviolent offenders need not have their probation or parole revoked or be sentenced to prison when substance abuse is the overriding issue – provided that community drug treatment is available.
- Institutional treatment also reduces recidivism. But to maximize its benefits, offenders must be supported by community aftercare or relapse prevention after they are released from prison.